

REMARKS

Claims 1-25 are pending, and all claims stand rejected. With this response claims 1-25 are amended. The amendments to claims 1-25 are not made in response to the rejections presented in the Office Action, and therefore are not related to patentability of the claims. In particular, claims 8-15 and 21-25 are amended to remove language that could potentially be interpreted as means-plus-function language. All amendments are fully supported by the specification as originally filed. New claims 26-28 are added with this response. Support for new claims 26 and 27 can be found at least on page 3, line 16—page 4, line 14 of the specification as filed. New claims 26 and 27 are means-plus-function claims, and supporting structure for the functions recited in claims 26 and 27 can be found at least at the section of the specification referenced above. Support for new claim 28 can be found at least at page 4, line 33—page 5, line 6 of the specification as filed. This after final amendment is submitted along with a Request for Continued Examination.

Rejection Under § 103

At section 1, on page 2 of the final Office Action, claims 1-25 are rejected under 35 U.S.C. § 103(a) as unpatentable over Park (U.S. Patent No. 6,430,197) in view of Ogimoto et al. (U.S. Patent No. 6,032,205).

On page 3 of the final Office Action, the Office acknowledges that Park fails to teach determining whether all of the output buffers have signaled their capability of receiving data, and if not, repeating determining whether all of the output buffers have signaled their capability of receiving data until a corresponding indication of capability of receiving data has been received from all output buffers, as recited in claim 1. The Office relies on Ogimoto for this teaching. However, Ogimoto fails to disclose or suggest this limitation recited in claim 1, and therefore the cited reference, alone or in combination, fail to disclose or suggest all the limitations recited by claim 1.

In particular, Ogimoto is directed to a crossbar switch and a broadcast communication method for use in a parallel computer that avoids the occurrence of deadlock states caused by conflicts for use of a path by a plurality of broadcast messagers. In Ogimoto, an output buffer (118-121) receives a message from a corresponding packet selector circuit (114-117), temporarily stores the message and thereafter transmits the message to a corresponding node (11-14). The output buffer monitoring circuit (122-125)

monitors a vacant capacity of a corresponding output buffer (118-121) and transmits a broadcast transmission permit signal to priority controller (113) when a vacant capacity of the output buffer (118-121) is sufficient for storing a complete message. See Ogimoto column 13, lines 33-49. However, there is no mention or suggestion in Ogimoto of requiring all output buffers to have signalized the capacity of receiving data, and only if this condition occurs for all the output buffers is there a release of transmission of input data from an input buffer to a plurality of output buffers, as recited in claim 1. Instead, Ogimoto discusses monitoring the vacant capacity of a single output buffer in order to determine when that particular output buffer is ready to receive a complete message, and Ogimoto makes no mention of making this determination in relation to all of the output buffers, as recited in claim 1. Therefore, the cited references, alone or in combination, fail to disclose or suggest all of the limitations recited in claim 1, and for this reason alone claim 1 is patentable over the cited references.

Furthermore, Ogimoto is not analogous art, and therefore can not be relied upon in the rejection of claim 1. In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. MPEP § 2141.01(a); *In re Oetiker*, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

Ogimoto is not in the field of the applicant's endeavor, but instead is in the field of a crossbar switch for a parallel computer. Ogimoto is therefore not reasonably pertinent to the particular problem with which the applicant of the current application is concerned. A reference is considered reasonably pertinent if it is one that would have logically commended itself to an inventor's attention in considering his problem. *In re Clay*, 23 USPQ2d 1058, 1061 (Fed. Cir. 1992). Ogimoto is not analogous art, and thus cannot be used as a reference, and since the Office action admits that Park fails to disclose or suggest all the limitations of claim 1, claim 1 is further patentable over the cited references. Therefore, applicant respectfully requests that the rejection of claim 1 be withdrawn.

Independent claim 8 contains limitations similar to those recited in independent claim 1, and for at least the reasons discussed above in relation to claim 1, is patentable over the cited references.

Dependent claims 2-7 and 9-25 depend directly or indirectly from an independent claim, and are patentable over the cited references at least in view of their dependencies.

New Claims 26-28

Applicant respectfully submits that the newly submitted claims are patentable over the cited references for at least the following reasons. New claim 26 contains limitations similar to those recited in independent claim 8, and for at least the reasons discussed above in relation to claim 8, is patentable over the cited references.

New claim 27 depends from new independent claim 26 and is patentable at least in view of its dependencies.


New claim 28 depends from independent claim 8, and is patentable at least in view of its dependencies.

Conclusion

It is therefore respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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Keith R. Obert
Attorney for Applicant
Reg. No. 58,051

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955